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NECESSITY OF ENDING THE ECONOMIC, COMMERCIAL AND FINANCIAL EMBARGO IMPOSED BY THE UNITED STATES OF AMERICA AGAINST CUBA

Report of the Secretary-General

I. INTRODUCTION

1. On 3 November 1993, the General Assembly adopted resolution 48/16, entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba", in which it requested the Secretary-General, in consultation with the appropriate organs and agencies of the United Nations system, to prepare a report on the implementation of the resolution in the light of the purposes and principles of the Charter and international law and to submit it to the General Assembly at its forty-ninth session.

2. Pursuant to that request, by a note dated 25 May 1994 and a reminder dated 25 July 1994, the Secretary-General invited Governments and organs and agencies of the United Nations system to provide him with any information they might wish to contribute to the preparation of his report.

3. The present report reproduces the replies from Governments and from organs and agencies of the United Nations system that had been received as at 15 September 1994. Further replies will be reproduced as addenda to the present report.

* A/49/150.

II. REPLIES RECEIVED FROM GOVERNMENTS

ANGOLA

[Original: English]

[20 July 1994]

1. The Republic of Angola does not provide any of the laws or measures referred to in the preamble of resolution 48/16 adopted by the General Assembly on 3 November 1993.

2. On the other hand, the Republic of Angola opposes the imposition of such laws and measures by any State.

ARGENTINA

[Original: Spanish]

[13 June 1994]

The Argentine domestic legal regime does not contain any law or measure of the kind referred to in the preamble to resolution 48/16.

BOLIVIA

[Original: Spanish]

[29 July 1994]

With respect to paragraph 2 of General Assembly resolution 48/16 the Republic of Bolivia has not promulgated any laws prohibiting trade with the Republic of Cuba. Consequently, there are no provisions, measures or laws which the Government of Bolivia has to repeal in this regard.

BOTSWANA

[Original: English]

[28 July 1994]

Botswana, not being in a state of conflict with the Republic of Cuba, has not promulgated or applied any laws and measures kindred to those mentioned in the preamble of resolution 48/16 entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba". Botswana enjoys cordial relations with Cuba.

BRAZIL

[Original: English]

[21 July 1994]

1. The current trends towards understanding and international cooperation have opened the way for a changing international situation in which an environment of mutual respect and full compliance with international law should prevail. In this context, the Brazilian Government believes that discriminatory trade practices and extraterritorial application of domestic laws run counter to the need for promoting dialogue and ensuring the prevalence of the principles and purposes of the Charter of the United Nations.

2. Resolution 48/16 calls upon all States to refrain from promulgating and applying laws and measures of the kind referred to in its preambular part. Brazil fully shares this idea and has observed the provisions contained in the resolution, as our legal system does not recognize the validity of the application of measures which are intended to have extraterritorial effects. Further measures taken in the course of last year have given rise to concern about the implications for our domestic laws. Brazil holds that companies located in Brazil are subject only to Brazilian legislation.

3. Brazil has consistently considered it necessary to put an end to any form of economic and commercial barriers that could hinder prospects for the mutually advantageous coexistence of prosperity and welfare. No nation should be deprived of the opportunity to advance its economic and social development.

BULGARIA

[Original: English]

[8 July 1994]

The Republic of Bulgaria has not undertaken any measures with a view to restricting its trade and economic relations with Cuba, and such measures are not envisaged in its internal legislation.

CAMBODIA

[Original: French]

[12 August 1994]

Consistent with its principled position stated at the previous session of the General Assembly on the need to lift the embargo against Cuba, the Government of Cambodia would like the embargo imposed against the innocent people of Cuba for more than 30 years to be lifted at the current session of the General Assembly.

CANADA

[Original: English]

[16 September 1994]

1. Canada has not promulgated or applied laws and measures of the kind referred to in the preamble of resolution 48/16. Canada has issued an order to block compliance in Canada with an extraterritorial measure of the United States of America, section 1706 (A) (1) of the National Defense Authorization Act for fiscal year 1993 (the "Cuban Democracy Act"). The Government of Canada has informed the Government of the United States of its view that the aforementioned provision of section 1706 of the Cuban Democracy Act should be amended or repealed, so that it no longer purports to regulate the activities of Canadian companies in Canada.

2. The Government of Canada has also informed the Government of the United States of its concern about the provision of section 1706 of the Cuban Democracy Act that prohibits vessels that enter Cuba to engage in trade of goods or the purchase or provision of services from loading or unloading freight in the United States for 180 days after their departure from Cuba.

CAPE VERDE

[Original: English]

[5 August 1994]

In accordance with paragraphs 2, 3 and 4 of General Assembly resolution 48/16 of 3 November 1993, the Government of Cape Verde does not apply any kind of unilateral economic and trade measures against another State for political purposes and that, in conformity with its obligations under the Charter of the United Nations and international law, its legal system does not include any laws and regulations whose extraterritorial effects affect the sovereignty of other States and the legitimate interest of entities or persons under its jurisdiction, as well as the freedom of trade and navigation.

CHILE

[Original: Spanish]

[28 June 1994]

1. The Government of Chile holds the view that the application by Member States of laws and regulations whose extraterritorial effects affect the sovereignty of other States and the legitimate interests of entities or persons under their jurisdiction, as well as the freedom of trade and navigation, violates the universally accepted general principles of international law.

2. Infringement of the legitimate economic and commercial interests of third parties is a violation of the basic norms of freedom of trade among sovereign nations. Chile vigorously condemns such a violation.

3. In view of the foregoing, Chile has not adopted any legislation or administrative provisions such as those referred to in the preamble to General Assembly resolution 48/16.

COLOMBIA

[Original: Spanish]

[8 July 1994]

Currently, the Government of Colombia maintains diplomatic and consular relations with the Government of Cuba. Moreover, Colombia has not promulgated any domestic legislation against the freedom of trade and navigation, and is therefor complying with its obligations under the Charter of the United Nations.

CUBA

[Original: Spanish]

[29 July 1994]

1. General Assembly resolution 48/16 of 3 November 1993 was adopted as a result of the failure by the Government of the United States of America to comply with General Assembly resolution 47/19, as is clearly established in the report which the Secretary-General submitted to the Assembly (A/48/448), on 28 September 1993.

2. The United States, far from refraining from promulgating and applying laws and measures whose extraterritorial effects affect the sovereignty of other States and the legitimate interests of entities or persons under their jurisdiction, has reinforced the embargo through legal measures whose real purpose is to intimidate, slander and even put pressure on and blackmail third countries.

3. The United States Government has obviously also failed to implement General Assembly resolution 48/16 which is the clear expression of the will of the international community.

4. Statements made by the President of the United States himself and high-ranking officials from that country's State Department since the adoption of resolution 48/16 and during 1994 reaffirm the intention to continue the embargo measures against Cuba and thus ignore the mandate by the General Assembly.

5. The United States persists in its desire to break the firm determination of the Cuban nation to defend its self-determination and sovereignty, and to impose on Cuba, by means of economic aggression and pressure on third countries, a

political regime and economic system designed by and subordinate to the interests of that Power.

6. The affairs of Cuba have even become an election campaign issue in the United States, which constitutes an affront to our national sovereignty.

7. Thus, the most elemental norms of international law and the purposes and principles enshrined in the Charter and other United Nations documents continue to be violated; the basic human rights of the Cuban people are being violated and the sovereignty and self-determination of other independent States that are members of the United Nations are being infringed.

8. In addition, the civil rights of United States citizens, who are prevented from receiving objective information on what is happening in Cuba, are being ignored; they are attacked or threatened for expressing views contrary to the official policy towards Cuba and their freedom to travel to the island is infringed through sanctions which may include a fine of $250,000 and 10 years imprisonment.

9. In practical terms, General Assembly resolution 48/16 remains unimplemented because of the continuation and strengthening of measures designed to hinder and obstruct Cuba's foreign economic ties with the world.

10. Some countries have introduced provisions in their national legislation to prevent the extraterritorial application of measures such as those prescribed by the so-called Torricelli Act since they undermine their sovereignty and jurisdiction. Nevertheless, there are virtually no commercial transactions with Cuba by subsidiaries of United States companies situated in third countries in 1993 as a result of the application of that Act.

11. Having maintained an upward trend during the 1980s, the volume of trade with subsidiaries of United States companies situated in third countries in 1991 reached its highest level, $718 million. Of that amount, $383 million were Cuban imports, 90 per cent of which comprised food and medicine. In 1992, Cuban imports were even greater, totalling $407 million.

12. In 1993, with the suspension of the granting of licences by the United States Treasury Department to subsidiaries of United States corporations situated in third countries, the volume of such transactions decreased to only $1.8 million. In other words, they virtually disappeared.

13. Those subsidiary companies also accounted for a significant volume of Cuban exports, particularly sugar, which provided income for importing food and other products.

14. The sudden break in those links gave rise to a complex situation for Cuba. Very rapidly and in a significant portion of its foreign trade, Cuba has had to deal with replacing both traditional stable suppliers of food and other commodities as well as the customary clients for its exports.

15. The banning from United States ports, for a period of 180 days, of vessels transporting goods or passengers to or from Cuba violates Cuba's rights and

those of third countries as well as the principles of free trade and international navigation laid down in article V of the General Agreement on Tariffs and Trade (GATT).

16. Since it is an island, Cuba depends on the hiring of foreign shipowners engaged in sea transport in order to maintain its foreign trade. Owing to its geographic proximity to the United States and the importance of that country's market for shipping in the Western hemisphere, it is unlikely that a vessel could forego access to United States ports for periods of six months.

17. That illegal and arbitrary measure immediately resulted in a reduction in the availability of charter vessels to Cuba and an increase in the corresponding rates. Such restrictions are in addition to those that have been in effect for three decades and block Cuba's access to the shipping market under the jurisdiction of the United States Government.

18. In the area of food alone, the Cuban economy had to spend more than an additional $34 million in 1993 as a result of the increase in prices for those products and shipping costs.

19. Shipping costs for tankers providing services to Cuba have increased at a rate between 15 per cent and 30 per cent over corresponding market costs, which gave rise to additional expenditures of almost $11 million in 1993 in the import of petroleum products.

20. A similar situation has come about with regard to air shipments. Cuba could save four out of every five dollars that it spends today in order to ship products from Europe if those operations were carried out in their normal geographic area, which is controlled by United States companies.

21. On the whole, the Cuban economy lost more than $50 million in this area last year.

22. For example, it was necessary to pay $398,588 more in order to ship medicine from Europe, with which funds the health system could have obtained more than 5.6 tons of a widely used antibiotic such as chloramphenicol.

23. This situation is compounded by the fact that, in view of the difficulties encountered in chartering vessels, suppliers who traditionally contracted for goods on the basis of cost, insurance and freight (c.i.f.) have changed their terms of sale since they have to assume Cuba's share in leasing the vessel.

24. This causes delays, additional contracting for products and higher expenditures as well as unstable supplies, which affect production, services and general consumption.

25. This was the case with the shipping of 2 million bottles of salbutamol from an Asian market, for which it was necessary to lease aircraft at a cost of $7 per kilogram of cargo. For the price that Cuba was forced to pay for each ton of imported powdered milk, it could have obtained 2.6 tons of the same product.

26. All these allocations have a strong impact on the limited resources of the country, which is being forced to reduce its imports of food, agriculture products and medicines.

27. Even when this reduction has been proportionally lower than the overall decrease in imports it has unfavourably affected consumption levels and the availability of basic products in addition to seriously impairing prospects for development. The United States is stepping up the embargo at a time when Cuba is striving to reintegrate itself into the world economy, overhaul its production infrastructure and readapt it to the new conditions in the international sphere.

28. The United States is pursuing the objective of preventing Cuba from succeeding in that effort and causing it further difficulties giving rise to discontent among the Cuban population and making them reject their Government, as has been officially recognized.

29. In March 1994, in a debate in the United States Congress on bill H.R. 2229 submitted by Representative Charles Rangel and 35 other sponsors in order to put an end to the embargo against Cuba, a United States Congressman opposed to that initiative unabashedly stated that the embargo "is necessary because it promotes a process of corrosion from below in order to make the people ungovernable".

30. The new measures being applied against Cuba are aggravating existing difficulties by depriving the country of sources of external financing. The action and pressure by the United States on financial institutions are preventing the provision of any type of assistance and the preferential granting of loans to Cuba.

31. The relocation of markets has caused a significant increase in procurement costs, irregular deliveries, and unstable production and distribution flows, with negative consequences for the country's economy and the population's living standard.

32. In spite of steps taken to mitigate the impact of the new restrictions imposed by the United States, Cuba has had to pay higher prices for products, accept less favourable financing conditions and pay higher transport fees owing to the urgent need to guarantee the supply of goods.

33. Furthermore, Cuba has had to offer discounts in its export prices, which offsets the additional burden owing to the risk that would be incurred by those who trade with Cuba rejecting the pressures by the United States.

34. The deliberations during the forty-eighth session of the General Assembly and the documentation circulated demonstrated that one of the main instruments of economic aggression by the United States against Cuba is the pressure exerted on private and governmental entities of third countries.

35. After the adoption of General Assembly resolution 48/16, the United States Government, ignoring that resolution, has continued to put direct pressure on the Governments and private entities of third countries in order to impede the

establishment and development of trade relations between them and Cuba as well as investments and other economic operations.

36. The Cuban Government can provide precise and reliable information on these actions.

37. On the basis of the Torricelli Act, the United States Government claims in its public statements, in order to put pressure on the Governments and companies of third countries, that it is opposed to granting preferential treatment to Cuba.

38. It would appear that its objective is to accord Cuba the same treatment received by other countries, but in reality the United States is endeavouring with all the means at its disposal to ensure that the most discriminatory and onerous conditions, far below those governing normal market transactions, are applied with regard to Cuba.

39. While it has sought to use subtler means that expose it less to the international community, the United States Government has not confined itself to utilizing its official channels in order to increase pressure in a selective manner and also make use of the discretionary power of the United States President to impose sanctions on any country that provides economic assistance to Cuba.

40. Similarly, the Government of Cuba and non-governmental organizations monitoring that policy of harassment from Cuba have been able to demonstrate that the United States, through its intelligence services and other specialized means, follows closely and systematically the negotiation and carrying out of all deals that Cuba arranges with the capitals of third countries, regardless of the size of the operation involved, in order to impede them.

41. In certain cases, even persons involved directly or indirectly in such deals have been used for this purpose.

42. In addition and with similar objectives, the United States authorities monitor the activities conducted by various non-governmental organizations and groups, in both third countries as well as the United States itself to assist the Cuban people in their efforts to cope with the embargo.

43. In 1993, the United States Government succeeded in obstructing an important business deal between a Latin American company and Cuba. There was an attempt to portray the blocking of the operation at an advanced stage as the result of pressure on the part of a United States transnational corporation that had claims with regard to the property involved in the transaction.

44. Nevertheless, Cuba has evidence showing that the Government in Washington itself sought to monitor closely the deal and determine whether it really involved the property in question and that the United States company was totally unaware of the matter.

45. Once that aspect of the question had been verified, officials of the United States embassy in the country, carrying out instructions that they had received,

"informed" the entities involved about the "possible legal consequences" of the operation.

46. Paradoxically, the United States company in question appears on the list of that country's firms which have applied to the Treasury Department for licences to trade with Cuba through subsidiaries in third countries.

47. Cuba also has irrefutable evidence that the excessive delay affecting another of the important deals which it has with European companies in order to expand its energy-generating capacity has been the direct result of interference on the part of the United States.

48. Even when it is a question of an energy programme that has been monitored from the outset by United Nations international specialized agencies and involves a deal between strictly private entities and Cuba, owing to the size of the operation a certain amount of coordination with the authorities of the countries concerned has been necessary.

49. This is precisely the situation that the United States Government has used in order to let the Governments in question know, as it has done with others, that the United States does not view favourably the continuation of the deal and that it might give rise to a conflict of interests with very negative consequences for the bilateral relations between those countries and the United States.

50. In September 1993, the State Department instructed all its missions abroad to approach officially the Governments to which they were affiliated and urge them to put pressure on their nationals and business firms to refrain from establishing contact with Cuba or investing in that country.

51. The arguments used by the Government in Washington to justify such action were:

(a) That Cuba might be offering for investment property that had been expropriated from United States nationals, and

(b) That the United States was opposed to investing in the Cuban economy as long as the Cuban Government maintained what it described as an anti-democratic and domestically repressive policy.

52. In order to exert such pressure, the United States Government circulated a document which was clearly designed to intimidate and which indicated that the United States maintained its claims with respect to Cuba: that it hoped to pursue them and therefore any transfer of such property to third parties might "complicate" their return to the original owners.

53. As a result of that action by the United States, negotiations being conducted with companies in various countries and even business deals that have already been set up have been seriously affected.

54. In this connection, one should bear in mind document A/48/258, which was submitted to the General Assembly at its forty-eighth session and clearly states

that the question of the nationalizations cannot justify the measures taken by the United States against Cuba and that there is no precedent or basis in international law which would support the claim concerning the property and the campaign undertaken in that regard.

55. In the case of the United States, it was not possible to negotiate or reach an agreement on compensation for the property nationalized because of the refusal by the Government of that country to permit the matter to be resolved in a viable manner.

56. In fact, Cuba has reached compensation agreements with the countries of origin of other owners of nationalized property. The United States is the sole exception.

57. Thus, the United States authorities have rejected any possibility for negotiation and, instead, have waged an economic, trade, political and diplomatic war in order to isolate Cuba from the world and that war has become the main obstacle to bringing about a solution.

58. It should be remembered that the attempts by the United States Government to exert pressure forced the postponement, in February of this year, of the CARICOM meeting of Ministers for Foreign Affairs.

59. Washington threatened to discontinue the preferential economic treatment accorded to those sovereign countries and deny them the tariff parity that they are rightly demanding for their exports if they did not prevent Cuba's entry into the Organization of Eastern Caribbean States being set up.

60. This same cordon sanitaire policy, which the Ibero-American Heads of State and Government criticized at their summit meeting in Cartagena de Indias last June, was applied to exclude Cuba from the so-called "Americas summit", as though it were possible to wipe Cuba and its 11 million inhabitants off the map.

61. Moreover, the foreign ministries of a group of African countries with which Cuba maintains a good level of economic exchange received notes from the respective United States embassies, in which it was pointed out that Washington should be consulted about any trade negotiations or joint venture with Cuba.

62. Economic and trade relations between Russia and Cuba have been subjected to continuous harassment by the United States Government; the latter has used various means in order to disrupt joint business and cause it not to prosper.

63. These pressures have taken the form of concrete threats, for it has been pointed out that the granting of economic assistance to Cuba might result in substantial restrictions on Russia's economic relations with the United States.

64. There have also been new offers regarding the supply of sugar to the Russian market, in an attempt thereby to boycott Cuban exports. Information regarding this latter action was collected in the previous report of the Secretary-General (A/48/448).

65. In 1993 and 1994, as in 1992, the United States Government continued its systematic search for information on possible oil sales to Cuba with a view to hindering them and depriving Cuba's economy of that vital resource.

66. The most recent example of this unscrupulous conduct by the United States is the pressure that was brought to bear, to no avail, on the Government of the Republic of Colombia, as a result of its decision to sell oil to Cuba; in this case, the United States questioned Cuba's reliability as a trading partner.

67. At this stage the United States also put pressure on various foreign firms which have already decided or are in the process of negotiating to invest in oil exploration and prospecting operations in Cuba.

68. In a deliberate attempt to continue the actions which have been repudiated by the General Assembly, the State Department contacted several United States oil companies whose property the Cuban Government has nationalized.

69. The State Department's aim in each case was to "alert" these companies to the fact that the growing influx of foreign investors to Cuba, attracted by the new prospects for oil exploration, might complicate the claims they had regarding their former property and entail serious political and legal problems.

70. The officials suggested to the executives of the companies in question that they should "take the necessary steps" with their competitors in order to ensure, as of now, that, once the blockade is lifted, they are not at a disadvantage in gaining access to the Cuban market, given the presence of other firms which have contractual rights in respect of extraction, exploration and development.

71. Not satisfied with these manoeuvres, representatives of the United States Government set themselves to questioning various international oil companies with investments - either direct or in association with national companies - in the Latin American market so as to make sure that they were not taking steps to invest in Cuba.

72. The United States Government and its special services have been carefully and systematically monitoring the development of Cuban economic entities which, as a result of changes in their company structure and other factors such as external financing and association with foreign capital, are bringing significant resources into the country's economy.

73. One of the priorities the United States has set itself in the search for this information is to identify the foreign partners of Cuban companies with a view to neutralizing them.

74. In 1993, United States Government agencies were instructed to approach two Latin American firms and one European firm that were acting as partners of Cuban enterprises, for the express purpose of terminating their business with Cuba.

75. These firms were providing Cuba with some of the raw materials, equipment and technological equipment needed for the production of cosmetics, perfumes and soaps, all products of which there is a great shortage in Cuba.

76. In November of that same year, the former United States ambassador to Honduras, Crescensio Arcos, pressured the Honduran authorities to distance themselves from Havana when private businessmen tried to do business with Cuba.

77. In March 1994, the United States Ambassador to the United Kingdom decided to contact a prominent British businessman personally before the latter undertook a planned trip to Cuba. His aim was to discourage the businessman from doing business with Cuba as he had intended.

78. To accomplish this goal, the United States official handed him a document in which it was maintained that the Cuban economy was in a steady and irreversible downturn, with no prospect of recovery in sight and that this, combined with the internal political situation and the ongoing dispute regarding the interests that Cuba had expropriated, meant that any investment in Cuba would be a highly risky undertaking.

79. Another European executive, this time a German, who also travelled to Cuba to discuss the possibility of his company participating in the financing of investment in Cuba, was subjected to similar pressure by United States officials.

80. Just a few months ago, executives of Sherritt Gordon, a Canadian company, were pressured to prevent the establishment of joint business with Compania Cubana de Niguel S.A. The argument used was the alleged ownership by the United States of an ore-refining plant in Cuban territory.

81. It is also reported that right now Cuba has seen a sharp reduction in its suppliers of pacemakers for persons with heart conditions, since the Australian company Telectronics has been forbidden to sell pacemakers to Cuba because they contain components manufactured in the United States, and the pacemaker division of Sweden's Siemens Elema AB was acquired a few days ago by a United States company which immediately halted sales, as they did earlier with the United Kingdom company JBIW.

82. It is incredible that at the end of the twentieth century, the authorities of a country which aspires to lead the world should have on their conscience the suffering of hundreds of Cubans whose lives currently depend on pacemakers.

83. Furthermore, the United States Government has used companies whose assets were expropriated, including some which are not even United States companies, to frighten away potential investors from Cuba.

84. A case in point, to cite just one example, is the firm Bacardi S.A., which sent a letter to the Chairman of the West Indies Rum Spirits Producers Association informing him that the Company would submit a legal claim regarding its properties in Cuba and would seek compensation.

85. In January 1994, a major British corporation involved in negotiations with Cuba was pressured to cut its ties with Cuba.

86. In this case the United States used the said corporation's North American division as a means of achieving its purposes; the latter was approached with

openly intimidatory intent by the Chairman of the so-called National Cuban-American Foundation, an organization which was set up by earlier United States Administrations for the express purpose of bringing about the overthrow of the Cuban Government.

87. There is amply documented evidence of the fact that agencies of the United States Government have used that organization in similar actions against other foreign companies which are developing economic and commercial ties with Cuba.

88. At the beginning of 1994, the Chairman of a Central American tour operator was warned several times by a senior official at the United States Embassy in his country to halt operations with Cuba on the grounds that they were in violation of the Torricelli Act.

89. At the same time, the Embassy itself pressured another company having links with the airline industry, threatening to cancel its contracts for flights to Miami, Houston and other United States cities unless it ceased doing business with Cuba.

90. This report concludes by stating that the Cuban Government has received confirmation of the fact that one South American country has been subjected to strong pressure to prevent the airline Cubana de Aviación from reaching agreements on air transport and tours with commercial companies in that country.

91. In February 1994 a Dutch firm was pressured by a United States firm to halt its negotiations with Cuba.

92. United States Government officials contacted executives of the company in question and asked them to assist in disrupting the negotiations, citing as pretext their earlier ownership claims in the industry in which the investment was to be made.

93. Given the growing tourist industry in Cuba, the United States Government has sought to manipulate other markets in the Caribbean region so as to draw the attention of potential investors away from Cuba towards those other markets.

94. In that connection, the United States Government granted Pedro Roselló, Governor of Puerto Rico, certain "facilities" to project Puerto Rico's tourist market more forcefully, particularly towards Mexico.

95. The plan includes the opening of a representation office in Puerto Rico, with full support and financing from the Federal Government, the sole aim being to identify Mexican businessmen interested in Cuba and to offer them greater benefits if they invest in Puerto Rico.

96. In private conversations, Roselló said that the United States Government was especially interested in strengthening Puerto Rico's economic relations with Mexico and the Caribbean as to counteract the rapprochement between those countries and Cuba.

97. At the same time, the United States is trying to deceive international public opinion by depicting the Torricelli Act as being largely humanitarian in nature.

98. Reference is made to the authorization of food donations to Cuba under the section on aid to the Cuban people, whereas the Act itself prohibits the granting of licences to subsidiaries in third countries for purposes of trading with Cuba.

99. It is well known that 90 per cent of all such trade involves foodstuffs. Moreover, the humanitarian mask has fallen off in light of the clearly repressive measures which have been taken against non-governmental organizations and private citizens who have sought to send assistance to Cuba.

100. By recently authorizing - for the first time in 35 years - a shipment of humanitarian aid from Cuban immigrants in the United States wishing to maintain normal relations with Cuba, the United States Government is trying to deceive public opinion and the community of nations regarding the real purpose of the Torricelli Act.

101. However, in order not to be misled in turn, it should be pointed out that this solidarity, for which we are very grateful, currently meets less than 1 per cent of the country's economic needs. Everyone knows that no nation can live and develop on the basis of humanitarian assistance.

102. Cuba has an economic infrastructure and it has sufficient human capacity to be able, under normal circumstances, to cope with the challenges of development. The international community must support that right which Cuba has in common with many other peoples.

103. Another misrepresentation propagated by the Torricelli Act is that it tries to suggest that there is some flexibility in granting licences for the export of medicine to Cuba whereas, in fact, government agencies in Washington are trying to ensure that the ban on the export of raw materials and intermediate products to the Cuban pharmaceutical and medical equipment industry is strictly enforced.

104. Indeed, the so-called flexibility in the granting of licences for the export of medicine to Cuba applies only to finished products and entails innumerable conditions that are impossible for Cuba or any other country to either meet or accept.

105. As a result of the resurgence of the United States blockade, living conditions of the Cuban population have become even more difficult. The impact on transport, electricity and other service industries is significant. Fuel for domestic purposes is intermittently available, as are sanitary and cleaning supplies and equipment and other basic products for the home.

106. The availability of dairy products has diminished substantially and even though supplies are guaranteed for specific sections of the population, such as children, the elderly and the sick, it is not possible to guarantee that all who need the supplies will get them.

107. These shortages, together with the shortages of other essential foodstuffs, have already led to a decrease in birth weight among newborn babies in Cuba.

108. There is a shortage of medicine and, although the supply of medicine to patients undergoing systematic and emergency treatment is guaranteed, and although a vitamin complex is provided to the population in general, there are intermittent shortages in the supply of medicines and other sanitary products.

109. The hospitals and the national health system, in general, continue to operate efficiently and to provide an acceptable level of treatment, thanks to the investments which have been made in that sector over the past 30 years and more, and also thanks to the skill and dedication of the health service staff, notwithstanding the difficulties and material shortages they must cope with, which affect the service provided to the population.

110. The educational system continues to function despite the shortages of school supplies and teaching equipment such as pencils, notebooks, books and other equipment.

111. The Cuban people have felt the harsh effects of the inhuman blockade policy imposed by the United States, which continues to affect their daily lives; the shortages and difficulties have affected everyone, including the most vulnerable sectors of the population, namely, children, women, the elderly and the sick.

112. But for the social policy pursued by the State and the equitable distribution of the scarce resources available to the country, the embargo's impact on the population would have been even greater.

113. However, if this anomalous situation persists, there may be serious consequences for the nation, because it would jeopardize not only the social programmes, which have already been affected by the genocidal policy of the United States, but also the very survival of the Cuban people.

114. The economic impact of the embargo in terms of lost income and additional expenditure was estimated in 1993 to have exceeded US$ 970 million.

115. If the United States of America were to heed the call of the international community, as contained in General Assembly resolutions 47/19 and 48/16, the Cuban people would have a significant portion of these resources at its disposal, which would be enough to restore consumption of food, medicines and other essential goods to previous levels and to reactivate important sectors of the economy.

116. The facts presented above show that the United States Government is persisting in its hostile policy towards Cuba and in its attempts to change the political system of a sovereign nation which is a Member of the United Nations, and by so doing is continuing to violate the Charter of the United Nations and the principles of international law.

117. More particularly, it is violating and disregarding the resolutions of the General Assembly on the necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba.

118. In addition, the above-mentioned Government is persisting with its policy of giving extraterritorial effect to its laws and measures relating to the embargo and is constantly taking a variety of actions to interfere with the economic and financial relations between third countries and Cuba, despite the fact that such laws and measures have been explicitly condemned by the above-mentioned General Assembly resolutions on the grounds that they violate the sovereignty and jurisdiction of other States, as well as the freedom of trade and navigation.

119. It is also clear that the efforts of the United States Government to reinforce the embargo against Cuba are intended to deprive the Cuban people of access to essential products and services, such as energy, medicines, foodstuffs and other basic necessities, which directly affect the population's quality of life as well as to reduce the capacity of the Cuban economy to produce these goods or to generate the foreign exchange resources necessary to acquire them.

120. Also affected are education, culture, the arts, housing construction, religious and health institutions, publishing houses, the press and communications, leisure activities, domestic commerce as a whole, employment, scientific institutions and tourism by nationals.

121. By all of these means the Government of the United States of America is seeking to achieve its illegal and immoral political aims against Cuba.

122. By its actions, that Government is not only blatantly disregarding the universal principles and norms of harmonious coexistence, which it claims to respect, but also showing a lack of humanity by riding roughshod over the Cuban people's dignity and fundamental rights to, inter alia, independence, sovereignty, self-determination, development, health, food, employment and life itself.

123. The international community is watching with amazement and growing disbelief as the United States continues its hostile policy of embargo against Cuba, a policy which not only is irrational and contradictory, given the trends currently prevailing, but also jeopardizes the climate of international peace and cooperation which all peoples need in order to be able to focus on finding solutions to their most urgent problems.

124. For two consecutive years the General Assembly has expressed its commitment to this just aspiration by adopting resolutions 47/19 and 48/16. Cuba therefore continues to hope that the United Nations will play its rightful role in putting an end to this grave injustice.

CYPRUS

[Original: English]

[12 July 1994]

The Government of Cyprus, in conformity with its obligations under the Charter of the United Nations and international law, consistently abides by all United Nations resolutions, including resolution 48/16 of 3 November 1993. It is noted in that respect that the Government of the Republic of Cyprus has never promulgated or applied any laws and measures aimed at supporting any economic, commercial and financial embargo against Cuba.

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

[Original: English]

[5 July 1994]

1. There is no act of violation of resolution 48/16 in the Democratic People's Republic of Korea, and the Democratic People's Republic of Korea is observing the requirements of that resolution.

2. The Government of the Democratic People's Republic of Korea maintains a principled position that no laws and measures of any kind whose extraterritorial effects could affect the sovereignty and the legitimate interests of other States and the freedom of trade and navigation should be either promulgated or applied by any Member State against any other Member.

3. No act of promulgating and applying such laws and measures by a State against another should be permitted, as such acts contravene the principles of the Charter of the United Nations and international law, which reaffirm the sovereign equality of States, non-interference in the internal affairs of other States and freedom of trade and international navigation.

4. The continuous embargo against Cuba for more than 30 years has created serious constraints in the social and economic life and sustainable development of Cuba and obstructed the relations of friendship and cooperation between States, which the international community cannot simply ignore.

5. It is therefore important that the United Nations should take the necessary measures to put an end to the embargo against Cuba, and the Member States should refrain from committing such acts, be sensitive to and discharge their duties under the Charter of the United Nations and international law and respect the right of States to choose their own political and economic systems.

6. The Government of the Democratic People's Republic of Korea will make every effort to fulfil the obligations it assumed under the Charter.

ECUADOR

[Original: Spanish]

[24 June 1994]

1. Ecuador has never adopted any legal provision whatsoever restricting its diplomatic, consular, economic, commercial, cultural or other relations with Cuba, inasmuch as its bilateral relations with that country are developing in an atmosphere of cordiality and mutual cooperation.

2. In keeping with this approach, Ecuador voted in favour of the above-mentioned resolution and has rejected any type of intervention in the internal affairs of States. At the regional level, it has supported official declarations to that effect, such as the Ibero-American declarations of Madrid and El Salvador, in which reference was made to this subject.

FRANCE

[Original: French]

[6 July 1994]

1. France does not apply any law or measure of the kind referred to in paragraphs 2 and 3 of resolution 48/16.

2. It has consistently expressed its opposition to the promulgation and application, by States Members of the United Nations, of laws and regulations whose extraterritorial effects affect the sovereignty of other States, as well as the freedom of trade and navigation. In its view, such measures violate the general principles of public international law.

3. France, together with its European Community partners, drew attention to those principles at the time of the promulgation of unilateral measures aimed at strengthening and extending the economic, commercial and financial embargo against Cuba.

GHANA

[Original: English]

[13 July 1994]

1. Ghana has no laws or measures of the kind referred to in the preamble to resolution 48/16 adopted by the General Assembly on 3 November 1993, entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba".

2. The delegation of Ghana voted for the resolution because Ghana believes, as stated in the said resolution, that the promulgation and application by Member

States of laws and regulations whose extraterritorial effects affect the sovereignty of other States and the legitimate interests of entities or persons under their jurisdiction, as well as the freedom of trade and navigation, are not in conformity with obligations Member States have assumed under the Charter of the United Nations and international law.

3. Ghana has never supported the imposition of an economic, commercial and financial embargo by the United States on Cuba. Consequently, Ghana has never promulgated or applied laws whose extraterritorial effects could adversely affect Cuba.

GUYANA

[Original: English]

[1 July 1994]

Guyana fully supported resolution 48/16, entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba" and voted in favour of it. Guyana, therefore, is committed to paragraphs 2, 3 and 4 of the resolution and honours its mandate.

INDIA

[Original: English]

[19 July 1994]

The Government of India does not have any laws or measures of the kind referred to in the preamble to resolution 48/16, and there is no proposal to enact such laws.

LAO PEOPLE'S DEMOCRATIC REPUBLIC

[Original: French]

[25 July 1994]

The Lao People's Democratic Republic deeply regrets the continuation of the economic, commercial and financial embargo imposed against Cuba. Like many other countries, given its obligations under the Charter of the United Nations and international law, the Lao People's Democratic Republic has never promulgated or applied laws and measures of the kind referred to in the preamble to the above-mentioned resolution. Our Government considers that the promulgation of such measures interferes with the sovereignty of other States, as well as with freedom of trade and navigation.

LIBYAN ARAB JAMAHIRIYA

[Original: Arabic]

[11 July 1994]

1. The Great Socialist People's Libyan Arab Jamahiriya is well aware that the best way of resolving disputes between States is through peaceful settlement in accordance with the purposes and principles of the Charter of the United Nations.

2. In conformity with these purposes and principles, and out of respect for international law, the Great Socialist People's Libyan Arab Jamahiriya has neither promulgated nor applied any laws of the kind referred to in paragraphs 2 and 3 of resolution 48/16.

3. Since 1986, the Great Socialist People's Libyan Arab Jamahiriya has been one of the countries on which the United States of America has imposed measures similar to the sanctions imposed on Cuba, and for that reason it reaffirms the importance of paragraphs 2 and 3 of resolution 48/16 and calls upon the States concerned to cease the application of those measures to Cuba and others and to take the necessary steps to repeal or invalidate them.

MEXICO

[Original: Spanish]

[15 July 1994]

1. The Government of Mexico continues to abide by the provisions of resolution 48/16, in fulfilment of its obligations under the Charter of the United Nations and international law, and in particular the commitments which it entered into freely under the international legal instruments which reaffirm freedom of trade and navigation.

2. In particular, Mexico pursues non-discriminatory trade practices and does not recognize the extraterritorial application of domestic laws, which is why it has not promulgated or applied any laws and measures of the kind referred to in the preamble to resolution 48/16.

NAMIBIA

[Original: English]

[11 July 1994]

1. Namibia has never promulgated and/or applied laws and measures of the kind referred to in the preamble to General Assembly resolution 48/16, in conformity with our obligations under the Charter of the United Nations and international law, which, inter alia, reaffirm the freedom of trade and navigation.

2. The Government firmly believes that in the interest of the children of both countries, it is now opportune for the United States of America and Cuba to reconcile their differences for future peaceful coexistence.

NICARAGUA

[Original: Spanish]

[18 August 1994]

1. Nicaragua rejects as a matter of principle economic and commercial embargoes as a means of applying political pressure.

2. Nicaragua maintains diplomatic relations with the Republic of Cuba.

PARAGUAY

[Original: Spanish]

[15 July 1994]

Paraguay applies no restrictive measures whatsoever, whether legal or de facto, whether economic, commercial or financial, against Cuba.

POLAND

[Original: English]

[2 August 1994]

The Government of Poland enjoys normal diplomatic relations with the Government of Cuba. Poland has never promulgated nor applied in relation to Cuba any laws or measures which might entail infringement of the latter's sovereignty or violate the freedom of trade and navigation. The Government of Poland considers that the United States embargo against Cuba is a matter which should be resolved between the two States concerned as soon as possible.

SPAIN

[Original: Spanish]

[25 August 1994]

1. With respect to paragraph 2 of resolution 48/16, Spain has never promulgated nor applied, in relation to Cuba, any laws or measures which might have entailed, in the case of Cuba, a violation of the principles of the sovereign equality of States, non-interference in their internal affairs and

freedom of trade and navigation, to which the preamble to the above-mentioned resolution refers.

2. With regard to paragraph 3 of resolution 48/16, this paragraph is not relevant, in that no such laws or measures exist in Spain.

SRI LANKA

[Original: English]

[13 July 1994]

Sri Lanka has neither promulgated nor applied any laws or measures which might affect the sovereignty of Cuba or any laws which violate the freedom of trade or navigation. The question of repealing or invalidating any laws in this respect therefore does not arise.

SUDAN

[Original: English]

[6 June 1994]

The Government of the Republic of the Sudan, in conformity with its obligations under the Charter of the United Nations, has never promulgated or applied laws and measures whose extraterritorial effects affect the sovereignty and legitimate economic interests of Cuba.

SWITZERLAND

[Original: French]

[9 September 1994]

Switzerland has at no time taken any economic measures against Cuba. Consequently there is no decree or other act which could be repealed in conformity with resolution 48/16.

UKRAINE

[Original: English]

[18 July 1994]

1. The Government of Ukraine notes that laws and measures of the kind referred to in the preamble of resolution 48/16 are not promulgated and applied in the territory of Ukraine.

2. Ukraine, being interested in fruitful and close cooperation with Cuba, is grateful to the people and Government of Cuba for the assistance rendered in the treatment of the Ukrainian children who had suffered as a result of the Chernobyl disaster.

3. Ukraine believes that relations between States should develop in full conformity with the principles of the Charter of the United Nations and the standards of international law.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

[Original: English]

[11 July 1994]

1. The United Kingdom enjoys normal diplomatic and trade relations with Cuba.

2. The Government of the United Kingdom has made clear its opposition to the extraterritorial extension of the United States embargo against Cuba in the Cuban Democracy Act of 1992. In October 1992, the United Kingdom invoked the Protection of Trading Interests Act of 1980. It is now an offence in United Kingdom law for any person in the United Kingdom to comply with the specified parts of the United States Cuban Assets Control Regulations.

3. While the Government of the United Kingdom considers that United States trade policy towards Cuba is primarily a matter for those two Governments, it remains concerned about the extraterritorial aspects of the United States embargo.

UNITED REPUBLIC OF TANZANIA

[Original: English]

[11 August 1994]

1. The Government of the United Republic of Tanzania has never promulgated or applied laws and regulations referred to in the fourth preambular paragraph of General Assembly resolution 48/16 of 3 November 1993.

2. It has consistently considered that the promulgation and application or such laws affects the sovereignty of other States, as well as the freedom of trade and navigation.

UNITED STATES OF AMERICA

[Original: English]

[19 July 1994]

The United States delegation voted "No" on resolution 48/16 primarily because it is United States Government policy that this initiative pertains to what is essentially a bilateral issue and that, as such, it is inappropriate to be the subject of multilateral consideration. In later consultations with several of the Member States which voted against the resolution or abstained, the United States Mission ascertained that the concerns of the United States in this regard were strongly shared by others.

URUGUAY

[Original: Spanish]

[5 July 1994]

Whereas Uruguay has traditionally pursued a foreign policy that encourages freedom of trade without any type of restrictions and, for its part, does not recognize in its legislation the extraterritorial application of domestic laws, the Government of the Eastern Republic of Uruguay has not applied any measures or laws of the kind referred to in the preamble to resolution 48/16.

VIET NAM

[Original: French]

[7 July 1994]

1. Viet Nam has neither promulgated nor applied any laws of the type referred to in the preamble to resolution 48/16.

2. The embargo which the United States has maintained against Cuba for 30 years is increasingly out of place in the post-cold-war era when there is a growing trend towards cooperation for development based on the equality of States, regardless of their political regimes. The General Assembly of the United Nations and the Movement of Non-Aligned Countries have adopted several resolutions calling on the United States to put an end to its embargo policy. The Cuban Democracy Act is yet another step which runs counter to the current trend towards cooperation and is a violation of international law in general and of the norms of GATT and of free trade in particular, interfering as it does with the legitimate trading interests of not only Cuba but also third countries. The reality of the past two years has clearly shown that the Cuban Democracy Act has been the object of vigorous protest by the international community. The Government of Viet Nam is of the view that the differences between the United States of America and Cuba can only be resolved through dialogue and negotiation.

3. The Vietnamese Government still considers that in order to re-establish a healthy international political atmosphere laws with extraterritorial effects must be repealed.

4. The Vietnamese Government wishes to reiterate its position that the Secretary-General should propose in his report concrete and effective measures aimed at putting an end to the policy of economic, commercial and financial embargo against Cuba.

5. Based on the spirit of understanding and solidarity with the Cuban people, the Government and people of Viet Nam have undertaken actions of solidarity and support to assist the Cuban people in overcoming their difficulties and the consequences arising from the above-mentioned embargo policy.

ZAMBIA

[Original: English]

[26 July 1994]

The Government of the Republic of Zambia has no difficulties in implementing the provisions of General Assembly resolution 48/16 of 3 November 1993 on the necessity of ending the economic, commercial and financial embargo imposed against Cuba, as indeed it has never applied such an embargo and no laws have ever been enacted to that effect.

ZIMBABWE

[Original: English]

[2 August 1994]

1. From the outset, the Government of Zimbabwe wishes to point out that the embargo which has been in force for more than three decades has caused untold human suffering to the Cuban people. The Cuban health system, which used to be the envy of many countries, has been crippled by the trade embargo, which effectively prevents Cuba from buying and exporting medicines, medical equipment, biotechnological products and foodstuffs. The cumulative effect of these sanctions over the years has likewise devastated the Cuban economy, resulting in internal shortages, reduced access to markets and the dwindling of much-needed imports.

2. Zimbabwe advocates dialogue in the resolution of disputes between States. It is imperative that the differences between Cuba and the United States of America should be resolved on the basis of sovereign equality, mutual respect and understanding. The lifting of the economic, commercial and financial embargo would be a milestone in the promotion of international peace, security and cooperation. Zimbabwe therefore urges positive action in that direction.

III. REPLIES RECEIVED FROM ORGANS AND AGENCIES OF THE UNITED NATIONS SYSTEM

A. United Nations Centre for Human Settlements

1. As the embargo continues, the Government of Cuba has had to shift drastically its priorities for the allocation of resources provided to them through multilateral cooperation. In particular, as regards activities in the human-settlements sector, a programme for development and application of appropriate technologies for housing, which was scheduled for implementation during the fifth cycle of the country programme of the United Nations Development Programme, had to be dropped, as scarce finances were increasingly diverted to emergency sectors and vital procurement.

2. Indicators in the housing sector, as well as in the other social sectors, reveal a drastic worsening in the quality of life, impacting directly on the well-being of people, particularly the most vulnerable groups.

B. United Nations Children's Fund

As with any effort to assess the impact of an embargo on children, it is not possible for the United Nation Children's Fund (UNICEF) to separate the combined negative effects into those caused by the embargo on Cuba, by internal factors and by other external factors. However, it is clear that, through a combination of these factors, the situation of children in Cuba has recently come under very serious pressure and that special efforts, supported by the international community, to protect children are urgently needed.

Among the negative effects on children that UNICEF has observed, particular attention must be paid to the reduction in the availability of foodstuffs, the reduction in the availability of medical supplies, the reduction in the provision of public health services, the deterioration in nutritional levels related to micronutrients, the lack of availability of school materials and the deterioration in the quality of drinking water.

With regard to the availability of essential medical supplies, UNICEF is particularly concerned over the scarcity of antibiotics and medicines related to childbirth. With regard to micronutrient malnutrition, it is UNICEF's understanding that approximately 50 per cent of children between the ages of five months and five years now show signs of iron-deficiency anaemia. Iron deficiency is also increasing among pregnant women and, combined with deteriorating foodstuff consumption by women, may be behind a sustained increase in low-birth-weight babies, observed over the last two or three years. UNICEF would therefore urge support for an emergency supplementary feeding programme for at least 30 per cent of pregnant women, targeting those in the highest risk groups.

The lack of availability of school supplies is another serious problem. For example, overall, the primary and secondary school system requires some 50 million notebooks, of which only 20 million have been distributed. Roughly the same figures apply to school pencils.

The deterioration in the water-supply system is a serious source of concern. Last year, Cuba had only some 40 per cent of its requirements of chlorine and some 10 per cent of its requirements of aluminium sulphate. The supply situation is even more constrained this year. There is also reason to be concerned over the deterioration of the water treatment and distribution system. In addition, electric power outages are regularly interrupting water-supply distribution.

C. United Nations Development Programme

1. The United Nations Development Programme (UNDP) has undertaken the following activities.

2. Support through the UNDP/NGO programme to co-found, with the European Community, an international NGO seminar which, in September 1993, brought together some 75 European and North American NGOs and a wide range of Cuban NGOs.

3. Through the UNDP management development programme, Cuba has been receiving support to strengthen the institutional capacities of its public administration, in particular key sectors of the Cuban economy, seeking a successful reinsertion into the international market-place. The currently ongoing third phase of the programme for the development of the public sector is geared to reinforce the managerial capacity of senior administrators and chief executive officers in the productive sector, as well as the international marketing skills of the biotechnology and pharmaceutical industries.

D. United Nations Population Fund

1. The United Nations Population Fund (UNFPA) has been cooperating with the Government of Cuba in the area of population and development since 1975. Currently, UNFPA has been informed that owing to difficulties in external trade, the Government has had to reduce its imports of contraceptives and medical supplies for maternal and child care.

2. In 1993, UNFPA received from the Government of Cuba a request for additional assistance in contraceptives, justified inter alia by lack of hard currency to meet the increased prices that the Government had to pay on international markets and by increased freight costs for those supplies because of the impossibility of purchasing them from the most economical source.

3. UNFPA was also informed that the Government has been unable to update its equipment for population-data processing and that there are important restrictions on the import of adequate equipment. The 1994 census round was reported to have been suspended for this reason.

4. The UNFPA local office has been reporting an increasing shortage of fuel, spare parts and other supplies that is affecting health-care service delivery and the implementation of a project aimed at improving the national capacity for oral-contraceptive production.

E. World Food Programme

The World Food Programme (WFP) has complied with resolution 48/16 by continuing its regular development programme with Cuba and cooperating in a new operation aimed at vulnerable groups (children and pregnant women) residing at La Habana and Santiago de Cuba. This new operation is supported bilaterally by Norway, Italy, the Netherlands and Canada. The urban sector has been hardest hit by the current economic crisis and consequent food shortfalls.

F. Other agencies and programmes

The following agencies and programmes of the United Nations system replied that they had no information to submit for the report of the Secretary-General on the implementation of General Assembly resolution 48/16: the United Nations Conference on Trade and Development (UNCTAD); the Economic Commission for Latin America and the Caribbean (ECLAC); the United Nations Educational, Scientific and Cultural Organization (UNESCO); the Food and Agriculture Organization of the United Nations (FAO); the General Agreement on Tariffs and Trade (GATT); the International Maritime Organization (IMO); the International Monetary Fund (IMF); and the World Bank.